

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

Clerk, U.S. District Court  
Southern District of Texas  
FILED

**DEC 24 2015**

David J. Bradley, Clerk of Court

**JOE O. RODRIGUEZ**  
Plaintiff,

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V.

**COUNTRYWIDE HOME LOANS  
SERVICING, LP OR BANK OF  
AMERICA, N.A., AS SUCCESSOR  
BY MERGER TO BAC HOME  
LOANS SERVICING, LP,  
RECONTRUST COMPANY, N.A.**  
Defendants

**Case No. 2:13-CV-133  
“JURY”**

**PLAINTIFF’S REQUEST FOR  
DECLARATORY JUDGMENT AND RESPONSE TO  
DEFENDANTS’ RESPONSE TO PLAINTIFF’S MOTION TO STRIKE**

1. Without waiving any right to object, Plaintiff, Joe O. Rodriguez JR., shall respond to Defendants’ Response to Plaintiff’s Motions to Strike.
2. Defendants Bank of America N.A., as successor by merger to BAC Home Loan Servicing, LP fka Countrywide Home Loans Servicing, LP incorrectly named as Countrywide Home Loans Servicing, LP (“Bank of America”) and ReconTrust Company, N.A. (“ReconTrust”) filed a Response (D.E. 69) to Plaintiff, Rodriguez’s Motions to Strike (D.E. 65 and 68).
3. Defendants again attempt to blame Plaintiff for the administrative actions of a clerks court docket when in fact Plaintiff has absolutely

no control of a court's docket, furthermore, Plaintiff did not file a second motion as alleged by Defendants in Defendant's Response (Docket No.69:1) by the word crafting statement:

*"Plaintiff filed two identical versions of his Motion for Relief"*

4. *Plaintiff would like the Court to take notice of Defendant's admission that Plaintiff filing of Motion for Relief was filed on November 3, 2015 as cited by Defendants (Docket No.69:1) as evidenced by Defendant's statement, therefore Defendant was with actual knowledge of "Plaintiff's first Motion for Relief (Doc. No. 59) was filed on November 3, 2015..."*

5. Plaintiff again recites that Plaintiff only filed a singular motion for relief on November 3, 2015. Thus, Defendant's Motion to Response to Plaintiff's Motion for Relief filed on November 25, 2015, was filed untimely, therefore, Defendant's breached Local Rule 7.3, the 21 days limit rule for filing an opposed motion. Pursuant to Local Rule 7.4, failure to response is taken as a representation of no opposition to the relief sought. Thus, Defendant's untimely response should be stricken from the record. Everyone has to comply with the Local Rule 7.3, for no one is above law.

6. Defendants have creating a scheme in order to defraud the Court, Government National Mortgage Association, and Rodriguez by fabricating a 2012- assignment and claiming rights to a VOID Deed of Trust, which violates the False Claim Act (31 U.S.C. §§ 3729–3733, also called the "**Lincoln Law**") which is an American federal law that imposes liability on persons and companies who defrauded *the governmental*. Defendants and their employees, agents, and attorneys must to be held liable for their crimes against the Court, Government National Mortgage Association, and Rodriguez, for no one is above the law.
7. Defendant's false claims should be stricken from the record, if not stricken, Defendant's claims should be barred by the unclean hands doctrine.
8. Plaintiff's Motion for Relief is filed timely as per Rule 60 (d)(3) This rule does not limit a court's power to: (3) set aside a judgment for fraud on the court.

9. As there was an intentional attempt to deceive the Court, taxpayers and Plaintiff, this Court should grant an immediate Declaratory Judgment in Plaintiff's favor in accordance with Rule 57 and 28 U.S. Code § 2201, and as a matter of law.

/S/ Joe O. Rodriguez JR.  
Joe O. Rodriguez JR.  
13730 F.M. 620 N. Apt #810  
Austin, Texas 78717  
(512) 905-7477  
joeyrodriguez5@yahoo.com  
Pro Se- Litigant

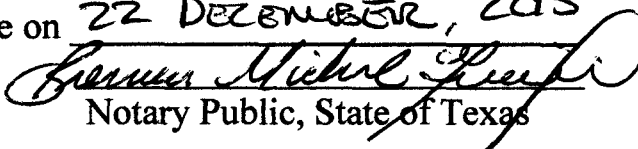
**VERIFICATION**

Pursuant to Federal Rules of Civil Procedure, I, Joe O. Rodriguez JR., verify under penalty of perjury that the foregoing pleadings and claims are based on my personal knowledge and are true and correct.

Executed on December 22, 2015.

  
\_\_\_\_\_  
Joe O. Rodriguez JR.

State of Texas §  
County of WILLIAMSON §

SIGNED under oath before me on 22 DECEMBER, 2015  
  
Notary Public, State of Texas



**CERTIFICATE OF SERVICE**

I, Joe O. Rodriguez JR., certify that on December 22, 2015, a correct copy of the foregoing was filed with the Clerk of the Court via certified mail and that a correct copy of same was forwarded to the following:

Via Certified Mail Return Receipt

Requested # **7015 1520 0000 4154 6632**

Matt D. Manning

State Bar. No. 24070210

SDTX Fed. Bar. No. 1057428

MCGLINCHEY STAFFORD

1001 McKinney, Suite 1500

Houston, Texas 77002

Telephone (713)520-1900

Facsimile (713)520-1025

*Of Counsel for Defendants*

Attorney in Charge:

Jeffery R. Seewald

State Bar. No. 17986640

SDTX Fed. Bar. No. 28500

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1001 McKinney, Suite 1500

Houston, Texas 77002

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**JOE O. RODRIGUEZ**  
**Plaintiff,**

**V.**

**COUNTRYWIDE HOME LOANS  
SERVICING, LP OR BANK OF  
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**Case No. 2:13-CV-133**

**ORDER GRANTING PLAINTIFF’S DECLARATORY REQUEST**

On this day the Court considered Plaintiff, Joe O. Rodriguez, JR’s (“Plaintiff”) requests for Declaratory Judgment.

After considering the Defendant’s Response(s), the evidence presented, arguments of counsel, and admission by Defendant, the Court is of the opinion that the Request for Declaratory Judgment should be **GRANTED**.

It is, therefore,

**ORDERED** that Plaintiff’s Request for Declaratory Adjudication should be and hereby is **GRANTED**.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

**December 22, 2015**

**Joe O. Rodriguez  
13730 FM 620 N. Apt. 810  
Austin, Texas 78717**

**Judge Nelva Gonzales Ramos  
Clerk Brandy Cortez  
United States District Court  
Southern District of Texas  
1133 North Shoreline  
Corpus Christi, Texas 78401**

**Clerk, U.S. District Court  
Southern District of Texas  
FILED**

**DEC 24 2015**

**David J. Bradley, Clerk of Court**

Re: Case No. 2:13-CV-133; Joe O. Rodriguez v. Bank of America N. A.,  
L.P. et al.; in the Southern District of Texas, Corpus Christi Division

Dear Ms. Cortez:

Enclose please find Plaintiff's Request for Declaratory Judgment and Response to Defendants' Response to Plaintiff's Motion to Strike. Thank you for your attention to this matter.

I've sent a correct copy of same was forwarded to the following Defendants' attorney.

**Sincerely,  
Joe O. Rodriguez JR  
Pro Se  
13730 F.M. 620 N. Apt# 810  
Austin, Texas 78717  
(512)905-7477**

Joe Rodriguez  
13730 Fm 620 N. #810  
Austin, TX 78717

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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL**



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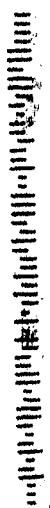
U.S. District Court  
1133 North Shoreline  
Corpus Christi, TX 78401

Clerk, U.S. District Court  
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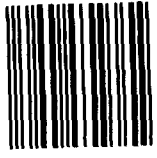
DEC 24 2015

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